

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Lonnie Lee Banark,

Petitioner

v.

Warden Adams, et al.,

Respondents

2:16-cv-01948-JAD-PAL

Order

[ECF Nos. 8, 9, 10]

Petitioner Lonnie Lee Banark has submitted a *pro se* motion to file an amended petition for writ of habeas corpus.¹ Having reviewed Banark's proposed amended petition under Habeas Rule 4, I find that the proposed amendments are potentially meritorious and warrant service on respondents.

Banark has also filed a motion to "take notice of correct respondent."² However, Banark has already named the correct respondent, the warden of the institution in which he is incarcerated.³ Accordingly, I deny Banark's motion as moot.

Banark has also submitted a "motion to help centralize exhibits,"⁴ which I grant. Under Habeas Rule 5, respondents must submit copies of relevant state-court proceedings. However, if the parties need to refer to exhibits already filed by Banark with his original petition,⁵ they may do so and cite to the attachments to the original petition. Banark need not re-file these exhibits, which appears to be his concern.

¹ ECF No. 9.

² ECF No. 8.

³ Habeas Rule 2.

⁴ ECF No. 10.

⁵ See ECF No. 6 at 13–83.

Conclusion

Accordingly, IT IS HEREBY ORDERED that **Banark's motion to file an amended petition [ECF No. 9] is GRANTED. The Clerk of Court is directed to FILE the amended petition, [ECF No. 9-1].**

Respondents must respond to the amended petition by March 12, 2017. Banark will then have 45 days from service of the response to file a reply or opposition. All other briefing requirements in my November 1, 2016, scheduling order [ECF No. 5] remain in effect, except these amended deadlines.

IT IS FURTHER ORDERED that Banark's motion to court [ECF No. 8] is **DENIED as moot.**

IT IS FURTHER ORDERED that Banark's motion to centralize exhibits [ECF No. 10] is **GRANTED as set forth in this order.**

Dated this 12th day of December, 2016.



Jennifer A. Dorsey
United States District Judge